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October 14, 2022

VIA ECF

MEMO ENDORSED

Terri L. Mascherin
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The Honorable Andrew L. Carter Jr.
United States District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
Room 435
New York, NY 10007

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***Schansman et al. v. Sberbank of Russia PJSC et al.*, No. 1:19-cv-02985-ALC-GWG (S.D.N.Y.)
– Plaintiffs’ Letter Motion to File Under Seal**

Dear Judge Carter:

Plaintiffs respectfully move the Court for leave to file under seal pursuant to Federal Rule of Civil Procedure 26(c) and Your Honor’s Individual Practice Rule 6.D the unredacted version of Plaintiffs’ letter response to Defendant VTB Bank PJSC’s (“VTB”) letter motion for a pre-motion conference concerning its renewed motion to certify for interlocutory appeal the Court’s September 30, 2021 order denying Defendants’ motions to dismiss, ECF No. 185. *See* ECF No. 441. In support of this motion, Plaintiffs state as follows:

1. The above-listed filing contains references to material that a non-party has designated as confidential pursuant to the Protective Order in this case. ECF No. 294. Accordingly, under the Protective Order in this Case, *id.*, Plaintiffs have provisionally filed the above listed filing under seal.
2. Courts in the Second Circuit have recognized that for material produced in discovery, such as the material that Plaintiffs seek to file under seal, “the public interest in access to discovery materials is recognized as generally of a limited order.” *Byrnes v. Empire Blue Cross Blue Shield*, No. 98 CIV. 8520 BSJ MHD, 2000 WL 60221, at *1 (S.D.N.Y. Jan. 25, 2000). A court may keep documents or portions of documents under seal if there is “good cause for preventing public access to discovery materials.” *Id.*
3. Here, a third party financial institution that produced records in response to a subpoena served by Plaintiffs has designated information contained in the filing as confidential, as the information concerns the bank records of the third-party’s customers who transferred funds through VTB’s New York correspondent bank. Under the Protective Order, Plaintiffs are required to file these materials under seal in any court filing. ECF No. 294 ¶ 13. This presents a legitimate concern of confidentiality and gives good cause to file under seal.

Plaintiffs respectfully request the Court enter an order granting it leave to file the above listed filing under seal.

Respectfully submitted,

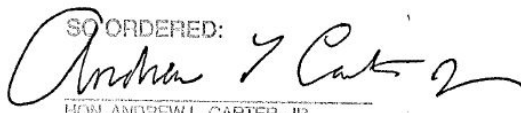
/s/ Terri L. Mascherin

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Counsel for Plaintiffs

cc: Counsel of Record (via ECF)

Plaintiffs' request to seal the unredacted version of ECF No. 451 is **GRANTED**. The Court will consider Defendant VTB's request for interlocutory appeal and Plaintiffs' Response in due course.

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: Oct. 19, 2022